



WWW.RIVKINRADLER.COM

926 RXR Plaza
Uniondale, NY 11556-0926
T 516.357.3000 F 516.357.3333

KENNETH A. NOVIKOFF

PARTNER

(516) 357-3110

ken.novikoff@rivkin.com

September 26, 2024

VIA ECF

Honorable Jennifer L. Rochon
United States District Court
Southern District of New York
500 Pearl Street – Room 1920
New York, New York 10007

Re: *Stacey Mercer v. 1641 York Property Group, LLC and
C&G Twin, Corp. d/b/a Bagel Bobs On New York*
Docket No.: 24-cv-03485-JLR

Your Honor:

The law firm of Rivkin, Radler LLP represents Defendant, 1641 York Property Group, LLC, (“1641 York”), in the above referenced action. Defendant respectfully submits this letter motion for an Order by this Court: (1) vacating the Order requiring Plaintiff to file a motion for a default judgment on or before September 27, 2024, [*see, Dkt.# 29*], and; (2) extending the time for 1641 York to file its responsive pleading for twenty-one days, until October 18, 2024. Plaintiff consents to the requested extension of time and does not oppose 1641 York’s application for the vacatur of the Order concerning the filing of a motion for a default judgment.

Plaintiff served its Complaint on the New York Secretary of State. *See, Dkt. # 19*. Due to personal commitments in late August and early September, the principal(s) for 1641 York did not see the mailing by the Secretary of State until mid-September. 1641 York did not retain my Firm on this matter until yesterday, September 25, 2024. Moreover, immediately prior to my Firm’s retention, 1641 York’s representative and Plaintiff’s counsel engaged in preliminary discussions concerning early resolution. It is my belief that given the respective positions of the parties, there is a good possibility that early resolution can be achieved before the expenditure of significant time and money.

1641 York seeks this extension and corresponding vacatur to enable counsel to properly investigate Plaintiff’s claims and prepare, if necessary, a responsive pleading. Additionally, this brief extension and vacatur will enable the parties to continue their discussions towards early resolution.



September 26, 2024

Page 2

This is 1641 York's first request for the above relief.

Respectfully Submitted,

RIVKIN RADLER, LLP

Kenneth A. Novikoff

Kenneth A. Novikoff


4889-1642-2121, v. 1

Defendant 1641 York Property Group, LLC's request for vacatur of the Court's September 27, 2024 Order as to 1641 York, Dkt. 29, is GRANTED. Defendant 1641 York shall file a response to Plaintiff's Complaint by October 18, 2024.

Dated: September 27, 2024

New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge